

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE APPLICATION OF)
FRONTIER COMMUNICATIONS OF)
AMERICA, INC. FOR A CERTIFICATE OF) CAUSE NO. 43148
TERRITORIAL AUTHORITY TO PROVIDE)
FACILITIES-BASED LOCAL EXCHANGE) APPROVED: DEC 20 2006
SERVICES THROUGHOUT THE STATE OF)
INDIANA)

BY THE COMMISSION:

Lorraine Hitz-Bradley, Administrative Law Judge

On October 24, 2006, Frontier Communications of America, Inc. ("Applicant"), filed with the Indiana Utility Regulatory Commission ("Commission") its Application for a Certificate of Territorial Authority ("Application") to provide communications services within the State of Indiana pursuant to the provisions set forth in Cause No. 43009. The Commission published notice as required by law that an application for a Certificate of Territorial Authority ("CTA") to provide communications services within the State of Indiana was filed with the Commission and, absent a timely challenge, the application may be granted without a hearing.

On November 29, 2006, the Presiding Officer issued a docket entry requesting additional information from Applicant, to which Applicant timely responded on December 6, 2006.

Based upon information contained in the Application and applicable law, the Commission makes the following findings:

1. **Commission Notice and Jurisdiction.** Due, legal and timely notice of the Application was given and published by the Commission in accordance with the Commission's Order in Cause No. 43009. Applicant requests the issuance of a CTA pursuant to Ind. Code § 8-1-2-88 and, therefore, the Commission has jurisdiction over the Applicant and the subject of this Cause.

2. **Commission Discussion and Findings.** The Applicant filed an application for a CTA demonstrating its legal authority and describing its financial, technical and managerial ability to provide the proposed communications services. The Applicant also provided information indicating the type, means and location of service that the Applicant proposes to provide and represented that such proposed service would be in the public interest and in furtherance of the goals of full and fair competition. Applicant has two affiliated incumbent local exchange carriers ("ILECs"), specifically Frontier Communications, Inc. and Frontier Communications of Thorntown. These two affiliated ILECs committed in Cause No. 41785 to waive their exemption from the requirements of 47 U.S.C. 251(c), as provided by 47 U.S.C. 251(f). Upon inquiry by the Presiding Officer, Applicant verified that its affiliate ILECs "intend to continue to waive their right to exemption from the requirements of section 251(c) of TA 96, as provided by 251(f)."

The Application was filed with the Commission on October 24, 2006 and more than thirty (30) days have elapsed since the date of its filing. No entity has filed a timely written request for a hearing concerning the Application, and the Commission has not, on its own

Motion, determined a need for a hearing in this Cause. Accordingly, no hearing is required in this Cause.

Therefore, based upon the information provided by the Applicant in its Application, the Commission finds that a Certificate of Territorial Authority for the communications services within the designated service areas identified in its Application should be issued to the Applicant, consistent with and subject to the following findings.

The Applicant shall comply with all applicable legal requirements pertaining to the provision of the communications services authorized by this CTA, including without limitation, the following:

- a. Payment of public utility fees pursuant to Ind. Code § 8-1-6;
- b. Contact of InTRAC and payment of fees required by Ind. Code §§ 8-1-2.6-13(d)(2) and 8-1-2.8 *et seq.*
- c. Notice to the Indiana 211 Partnership, Inc., which is the designated administrator in Indiana of the 211 dialing code, to coordinate proper translations for the 211 dialing code pursuant to Ind. Code § 8-1-2.6-13(d)(3).
- d. Arranging with all respective 911 Service Providers to provide E911 database updates to the Public Service Answering Point ("PSAP"). The Applicant shall notify all PSAPs covering areas in which the Applicant provides local exchange service when the offering of service commences in the PSAP's area.
- e. Offering of free per-call or per-line blocking for law enforcement and crisis intervention agencies that are certified by the Commission pursuant to Ind. Code § 8-1-2.9-2(a).]
- f. Filing of tariffs concerning rates, rules and charges, as required by Ind. Code § 8-1-2.6.
- g. Filing a notice with the Secretary of the Commission of each of its "in service" dates, i.e., the dates on which Applicant commences to offer and is ready to provide telecommunications services to the public within a new local exchange area or zip code, within ninety (90) days of each such in-service date.
- h. Filing of any reports required or requested by the Commission, including but not limited to any financial, market performance, and quality of service reports.
- i. Notice to the Indiana Underground Plant Protection Service, which is the designated administrator in Indiana of the 811 dialing code, to coordinate proper translations for the 811 dialing code pursuant to Ind. Code § 8-1-26.
- j. Filing of any reports required or requested by the Commission, including but not limited to any financial, market performance, and quality of service reports.
- k. The Applicant's two Indiana ILEC affiliates are Eligible Telecommunications Carriers ("ETCs"). ETCs may only use Universal Service support funding for approved services within their ILEC territories. 47 U.S.C. 254(e). Any USF support received by the two ILEC affiliates must be used for approved services of the ILEC affiliates only and

shall not be used to support the facilities or services of the Applicant. Consequently the Applicant will be required to maintain separate financial and line count records.

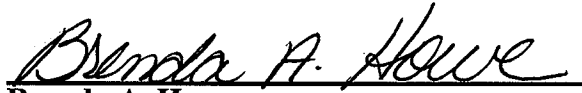
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Subject to the Findings set forth in this Order, the Applicant, Frontier Communications of America, Inc., is hereby issued a Certificate of Territorial Authority to provide communications services throughout the State of Indiana.

2. This Order shall be effective on and after the date of its approval.

HARDY, LANDIS, SERVER, and ZIEGNER CONCUR:
APPROVED: DEC 20 2006

**I hereby certify that the above is a true
and correct copy of the Order as approved.**


Brenda A. Howe
Executive Secretary to the Commission